

## **FISCAL NOTE**

### **HB 2681 – SB 2856**

January 25, 2008

**SUMMARY OF BILL:** Increases the penalty for persons driving on a cancelled, suspended, or revoked driver license from a Class B misdemeanor to a Class B misdemeanor which shall be punished by confinement of not less than 10 days nor more than six (6) months plus a fine not to exceed \$500. Increases the minimum period of confinement for persons driving on a cancelled, suspended, or revoked driver license because of a conviction for vehicular assault, vehicular homicide, or driving while intoxicated from a minimum of two (2) days to a minimum of twenty (20) days. Increases the penalty for second convictions of driving on a cancelled, suspended, or revoked driver license from a Class A misdemeanor to a Class A misdemeanor which shall be punished by confinement of not less than 30 days nor more than eleven (11) months, twenty-nine (29) days plus a possible fine not to exceed \$2,500.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Revenue - \$121,100**

**Increase State Expenditures – Not Significant**

**Increase Local Gov't. Revenue - \$6,400**

**Increase Local Gov't. Expenditures\* – Exceeds \$13,500,000**

#### **Assumptions:**

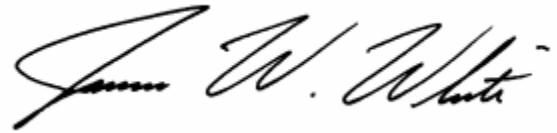
- According to the Department of Safety (DOS), there were 22,800 convictions in Tennessee for driving on a cancelled, suspended, or revoked driver license in FY06-07.
- 17,000 were considered first-time offenders; 5,800 were considered at least second-time offenders.
- 75% of first-time offenders (or 12,750) are estimated to have had their license cancelled, suspended, or revoked because of vehicular assault, vehicular homicide, or DUI; 25% of first-time offenders (or 4,250) are estimated to have had their license cancelled, suspended, or revoked for other reasons.

- First-time offenders who had their license cancelled, suspended, or revoked because of vehicular assault, vehicular homicide, or DUI are estimated to be serving an average of two (2) days of incarceration under current law. Therefore, requiring these individuals to serve a minimum twenty (20) days will create an additional 229,500 days of incarceration (12,750 individuals x 18 additional days = 229,500).
- First-time offenders who had their license cancelled, suspended, or revoked because of other reasons are estimated to be serving zero (0) days of incarceration under current law. Therefore, requiring these individuals to serve a minimum ten (10) days will create an additional 42,500 days of incarceration (4,250 x 10 days minimum = 42,500).
- Second-time offenders are estimated to be serving an average of fourteen (14) days of incarceration under current law. Therefore, requiring these individuals to serve a minimum of thirty (30) days will create an additional 92,800 days of incarceration (5,800 individuals x 16 additional days = 92,800).
- Total number of additional days of incarceration is estimated to be 364,800 (229,500 + 42,500 + 92,800 = 364,800).
- Based on weighted-average, local governments receive approximately \$37.18 per inmate per day from the state to house prisoners.
- The increase to local government expenditures occurring as a result of additional jail time is estimated to exceed \$13,500,000 (364,800 additional incarceration days x \$37.18 = \$13,563,264) per year.
- DOS estimates that 90% of the first-time offenders (or 15,300) would have been fined under current law; thus leaving 10% (or 1,700) who would not have been fined.
- DOS estimates an average fine of \$100 for the remaining 1,700 who would not have been fined under current law.
- 25% of offenders will not pay fine due to indigence.
- The increase of violation revenue is estimated to be (1,700 violations x \$100 x 75% who will pay = \$127,500) per year.
- County clerks receive 5% of violation revenue.
- The increase of local government revenue from fines is estimated to be \$6,400 (\$127,500 x 5% = \$6,375) per year.
- The increase to state revenue from fines is estimated to be \$121,100 (\$127,500 - \$6,400 local share = \$121,100) per year.

\*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/rnc